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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 MANISELA V. PRESCOTT,

9 Defendant.

CASE NO. CR14-5526 BHS

ORDER DENYING
DEFENDANT'S PRO SE MOTION
FOR JUDICIAL
RECOMMENDATION

10 This matter comes before the Court upon receipt of a pro se motion for
11 reconsideration ("Motion") filed by Defendant Manisela Prescott ("Prescott"). The Court
12 has considered Prescott's motion, supporting exhibits, and the remainder of the file. The
13 Court hereby denies the motion for the reasons stated herein.

14 In 2015 the Court sentenced Prescott to a term of incarceration for Conspiracy to
15 Distribute Methamphetamine. Dkt. 50. The Court recommended Prescott be placed at
16 FCI Sheridan, *id.*, which is the closest Bureau of Prisons ("BOP") facility to this District.
17 Prescott is currently incarcerated at FCI Lompoc in California with an expected release
18 date of September 2, 2024.¹

19 Under the Second Chance Act of 2007, a federal prisoner's eligibility for pre-
20 release placement in a Residential Reentry Center ("RRC") increased from 6 to 12

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22 ¹ See <https://www.bop.gov/inmateloc>, populated with search terms for "Manisela V. Prescott" (last visited July 17, 2019).

1 months. 18 U.S.C. § 3624(c)(1). BOP has exclusive statutory authority over a prisoner's
2 imprisonment placement. 18 U.S.C. § 3621(b). BOP exercises its authority to determine
3 individual prisoner RRC placements by applying the criteria set forth in 18 U.S.C. §
4 3621(b). Relevant to the instant motion, one of the factors BOP considers is "any
5 statement by the court that imposed the sentence . . . (B) recommending a type of penal or
6 correctional facility as appropriate." 18 U.S.C. § 3621(b)(4)(B).² Thus, sentencing courts
7 are empowered to make judicial recommendations for RRC to BOP. *Id.*

8 Prescott seeks a judicial recommendation from this Court to the BOP for
9 placement in a RRC facility. Motion at 2. Prescott asserts that a judicial recommendation
10 for RRC placement "will allow me to get back to the community and provide much
11 needed service work there and tend to my family needs." *Id.* In support of the motion,
12 Prescott cites his good performance while on pretrial monitoring, the positive comments
13 the Court made about his volunteer work with homeless, vulnerable youth, and wounded
14 warrior communities at sentencing, and his establishment of a bible study group and
15 completion of rehabilitation programming while incarcerated. *Id.* at 2–3.

16 Although the Court commends Prescott's volunteer work and his efforts to better
17 himself during incarceration, the Court concludes that BOP is in the best position to
18 determine the appropriate place for him to serve the remainder of his sentence. *See*
19 *United States v. Statzer*, No. 08–CR–024–020, 2016 WL 5940926, at *2 (W.D. Va. Oct.
20 13, 2016) (finding that BOP was in the best position to determine the proper placement of

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22 ² However, the recommendation has "no binding effect" on BOP's authority to determine
or change a prisoner's placement at a certain correctional institution. 18 U.S.C. § 3621(5).

1 a prisoner based on its exclusive statutory authority and sole discretion to determine
2 prisoner placements); *United States v. Huynh*, No. 12–CR–0456–PJH–2, 2016 WL
3 6025463, at *2 (N.D. Cal. Oct. 14, 2016) (determining that BOP was in a much better
4 position than the court to consider the prisoner’s request for a recommendation of
5 placement at a RRC); *United States v. Collins*, No. 14–CR–0515–PJH–1, 2016 WL
6 5957618, at *2 (N.D. Cal. Oct. 14, 2016) (declining to recommend RRC because prisoner
7 had just began her sentence and BOP would be in a better position to evaluate RRC
8 placement when appropriate). While the Court can appreciate Prescott’s request, he
9 simply has not presented enough information to the Court to cause it to override its belief
10 that BOP is in a better position to determine his placement. For example, BOP
11 documentation indicates that Prescott received an “incident report for moderate
12 misconduct” at some point. *See* Individualized Reentry Plan (Inmate Copy), at 2.
13 Therefore, the Court declines to recommend that BOP place Prescott in a RRC facility.

14 The Clerk is directed to file Prescott’s Motion and exhibits in the docket. The
15 Clerk shall caption the Motion as a “Motion for Judicial Recommendation” and file the
16 exhibits, but not the Motion, under seal.

17 **IT IS SO ORDERED.**

18 Dated this 14th day of August, 2019.

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21 BENJAMIN H. SETTLE
22 United States District Judge